

REMARKS

Claims 1-5, 7-9, 12-18, 20-23, 28-30, 32-35, 37-39 and 42-52 are pending in the present application, as a result of the present response. Claims 29 and 30 were amended to correct scrivener's errors. Claims 46-52 have been added to claim subject matter included in the specification. No new matter has been added.

Election/Restrictions

In the office action mailed September 22, 2004, the following patentably distinct species were identified:

Species I – Figures 1-2

Species II – Figures 3-4

Species III – Figures 5-6

Species IV – Figures 7-9

Species V – Figures 10-11

In addition, within a first category of sub-species identified in the office action as "wave guides", the following species were identified:

Species I – Figures 12-13

Species II – Figure 14

In addition, within a second category of sub-species identified in the office action as "speaker positioning systems", the following species were identified:

Species I – Figures 16

Species II – Figure 17

Species III – Figure 18

Species IV – Figure 18

Species V – Figures 19-22

The office action also identified Claim 1 as a generic claim.

Applicant provisionally elects with traverse the following:

Species V – Figures 10-11

Species I – Figures 12-13

Species II – Figure 17

Claims 1-5, 7-9, 12, 32-35, 37-39, 42, 44-46 and 52 are readable on Species V – Figures 10-11.

Claims 13-18, 20-23, 43, 47 and 48 are readable on Species I – Figures 12-13.

Claims 28-30 and 49-51 are readable on Species II – Figure 17.

As instructed, Applicants have elected one species along with one subspecies from each of the first and second categories for further prosecution on the merits.

Accordingly, species readable on Claims 1-5, 7-9, 12-18, 20-23, 28-30, 32-35, 37-39 and 42-52 have been elected by the Applicant.

Generic Claim

Applicant respectfully disagrees that Claim 1 is generic to all the Species identified in Figures 1-22. Applicant does not believe that Claim 1 is generic to all of Figures 1-22 since Species V Figures 19-22 do not include all the limitations of Claim 1.

Specifically, Figures 19-22 do not include a sound barrier that has an outermost surface spaced away from the surface of the seatback by a distance as provided in Claim 1.

However, with regard to the Species elected in this response, Applicant believes that Claim 1 is generic. In addition, Applicant believes that Claim 34 is generic to the elected Species.

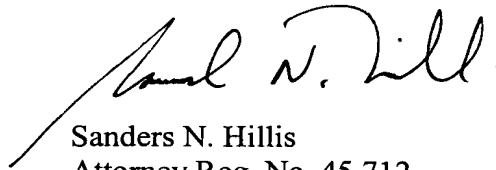
Identified Species

Applicant respectfully suggests that Species II – Figure 17 and Species III – Figure 18 are the same species since Figure 18 is a cutaway side view of the example automated speaker positioning system of Figure 17. In addition, Species III-Figure 18 and Species IV-Figure 18 are the same species since both refer to Figure 18.

Conclusion

Applicant believes that the present application is in condition for examination. Should the Examiner deem a telephone conference to be beneficial in expediting examination and/or allowance of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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